

AUG 30 1990

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

James W. Moorman, Esq.  
Cadwalader, Wickersham & Taft  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

AUG 31 1990

Re: Notice of Proposed Immediate Response Action, Asbestos Dump  
Site, Morris County, New Jersey

Dear Mr. Moorman:

As you are aware, the Environmental Protection Agency (EPA) considers your client, National Gypsum, a potentially responsible party (PRP) at the Asbestos Dump Site, Morris County, New Jersey ("the Site"). In accordance with Section 107(a) of CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government taking response actions at the Site such as those listed below.

This letter is to advise you that the EPA recently conducted a removal assessment at the Site. The assessment focused on the New Vernon Road (Passaic Township Block 225, Lot 30, Lot 30.01 and Lot 30.02), White Bridge Road (Passaic Township Block 225, Lot 79 and Lot 35.01) and Dietzman Tract (Harding Township Block 60, Lot 1) locations. These locations are known collectively as the Satellite Properties. Samples were collected and analyzed from various locations at the New Vernon and White Bridge Road properties. Data from the analysis of these samples indicated high levels of asbestos contamination in and around the homes on those properties.

The Agency for Toxic Substances and Disease Registry (ATSDR) has reviewed these data and informed EPA that it recommends at minimum, immediate relocation of residents at the New Vernon Road property. Based on the ATSDR assessment of the significant potential risk to certain residents and the factors specified in 40 CFR 300.415 (b)(2), EPA pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA) will be performing a response action which may include, but need not be limited to:

1. Immediate temporary relocation of residents of the New Vernon Road property.

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2. Additional sampling to determine the extent of potential asbestos contamination in the vicinity of the Satellite properties.

Based on the results of additional sampling, EPA may determine that further response is required.

Due to the serious potential threat posed, it is necessary to take action quickly; therefore, you are being notified pursuant to Section 122(a) of CERCLA, that EPA does not intend to invoke the special notice provision of Section 122(e) of CERCLA, 42 U.S.C. §9622(a) and (e). It is EPA's policy not to use special notice procedures for removal actions unless there is a six-month planning lead time prior to the initiation of the response action. In addition, EPA is not soliciting public comments at this time as less than six months exist before on-site removal activities must begin.

EPA will inform you of any additional proposed activities. If you have any questions regarding this matter, please contact Carolyn Fiske of EPA's Office of Regional Counsel at (212) 264-3278.

Sincerely yours,

Richard L. Caspe, P.E.  
Director  
Emergency and Remedial Response Division

cc: Lance Miller, NJDEP

bcc: Carolyn Fiske, ORC/NJSUP /  
Nick Magriples, ERRD-RAB

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